

Amendments to the Drawings

Please cancel Fig. 10 and replace it with the attached replacement drawing sheet, which contains Fig. 10, as amended. Briefly, Fig. 10 has been amended to show the circuitry (75) contained within the electronic housing (70) (e.g., interface circuit board)

Remarks

This Amendment is being filed in response to the Office Action mailed on April 16, 2008, in which Claims 4, 5, 8, 9, 13-16, 21-24, 29 and 30 were rejected. With this Amendment, previously withdrawn claims 1-3, 17-20 and 25-28 have been canceled, and all of the rejected claims have been canceled and new Claims 31-45 have been added. No new matter has been added as a result of this Amendment. A two-month extension of time and the associated fee are being submitted concurrently with this Amendment.

As an initial matter, Applicant's attorney notes, with appreciation, the interview granted by the Examiner with Ralph W. Selitto, Jr., Reg. No. 26,996, on August 15, 2008. During the interview, the Examiner and Applicant's attorney discussed three (3) independent claims. The first independent claim was directed towards a magazine having a plurality of receptacles, wherein each of the receptacles can selectively and interchangeably receive at least two different types of blank ammunition rounds. The second independent claim was directed towards an apparatus for preventing misfire of a pyrotechnic ammunition, the apparatus having an afterburn circuit for transmitting an afterburn current across a bridgewire of the pyrotechnic ammunition for a sufficient amount of time such that the bridgewire is burnt out. The third independent claim was directed towards the transmission of electrical current to a pyrotechnic ammunition round using a contact assembly that utilizes contacts made from a conductive rubber material.

During the interview, the Examiner suggested that Applicant pursue one independent claim in order to facilitate prosecution. Applicant's attorney thanks the Examiner for this suggestion, and, in response, Applicant has decided to pursue one independent claim. New Claim 31 is directed towards a pyrotechnic device adapted to fire blank ammunition rounds for the purpose of simulating weapons firing and/or hit indications comprising a magazine having a plurality of receptacles, each of the receptacles including three borings having different diameters such that each receptacle can selectively and interchangeably receive at least two different types of blank ammunition rounds.

Further, during the interview, the Examiner and Applicant's attorney discussed support for the claim terminology "conductive rubber disc." The Examiner's comments made during the interview, as reported in the Examiner's interview summary, are reflected herein. As was noted during the interview, "based on cursory review of applicant's discussion it would appear to be support for said claim terminology." New dependent Claims 36, 37, 42 and 43 describe contact

assemblies that utilize electrical contacts made from "conductive rubber." Applicant believes that support for the term "conductive rubber" can be found in Applicant's originally filed application, as will be described in detail below.

Drawings

The Office Action contained an objection to the drawings. In particular, the Office Action stated that "the interface circuit board (Claim 9) and CPU located within the housing (Claim 9) must be shown or the feature(s) canceled from the claim(s)." (See Office Action at page 2). Applicant has canceled Claim 9, rendering this objection moot. However, because new dependent Claims 34, 35, 40 and 41 recite the term "circuitry", a reference to the circuitry has been added to the drawings. More particularly, the attached replacement drawing sheet contains Fig. 10, as amended. Fig. 10, as originally filed with the application, omitted a representation of, and a reference number to, the internal circuitry housed within the electronic housing 70. Amended Fig. 10 includes a representation of the internal circuitry (i.e., interface circuit board) that is designated by new reference number 75 in the amended specification. Since the internal circuitry was described in the original specification, Applicant's attorney believes that amended Fig. 10 contains no new matter, and, therefore, respectfully requests the entry of the replacement drawing sheet.

Claim Objections

The Office Action contained an objection to Claims 1-4 because they do not include the status of the claims. Further, the Office Action objected to Claims 9 and 29 as having informalities. As Claims 1-4, 9 and 29 have now been canceled, Applicant's attorney respectfully submits that these formal objections are rendered moot and should be withdrawn.

Specification and Claim Rejections

The Office Action contained an objection to the Amendment filed on 07/15/2005 under 35 U.S.C. 132(a) because it allegedly introduced new matter into the disclosure. The Office Action states: "[t]he added material which is not supported by the original disclosure is as follows: Peripheral discs "made of conductive rubber" does not appear to be supported in the original application." (See Office Action at page 3). The Office Action also contained a rejection of Claims 4, 5, 8, and 13-16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. "Specifically, neither the original specification nor drawings disclose a peripheral conductive disc "made of conductive rubber." (See Office Action

at page 4). As Claims 4, 5, 8, and 13-16 have now been canceled, Applicant respectfully submits that these objections and rejections are rendered moot and should be withdrawn. However, because new Claims 36, 37, 43 and 44 call for electrical contacts made from "conductive rubber," these objections and rejections will be discussed below.

As pointed out during the interview, Applicant's originally filed application contains support for the term "conductive rubber." Although the original specification does not make reference to the term "conductive rubber", the term is used in original Claims 9 and 10, which are reproduced below to facilitate consideration and discussion:

9. The device of claim 7 wherein **each of the flanged button contacts are also comprised of conductive rubber**, nylon headed bushing, a neoprene washer, a nylon sleeve and a stainless steel spring. (See specification, page 23, Claim 9) (emphasis added).

10. The device of claim 5 wherein a top of the top plate contains **conductive rubber cylindrically applied juxtaposing the plurality of receptacles of the magazine to form a plurality of electrical contact receptors**. (See specification, page 23, Claim 10) (emphasis added).

The flanged button contacts comprised of conductive rubber, as recited in original Claim 9, are now described (using slightly different terminology) in new Claims 37 and 44. Similarly, the plurality of electrical contact receptors containing conductive rubber, as recited in original Claim 10, are now described (using slightly different terminology) in new Claims 36 and 42.

New Claims 36 and 42 also include a "whereby" clause specifying that the "annular conductive disc allows for variations in the length of outer contact posts on different blank ammunition rounds." Support for such a whereby clause can be found in Applicant's originally filed specification, for example, at page 5, lines 1-4. In view of the above, Applicant's attorney respectfully requests that the Examiner withdraw all objections relating to the claim term "conductive rubber."

The Office Action also contained a rejection of Claim 9 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. "Claim 9 requires a CPU which is housed in the housing." (See Office Action at page 4). As this claim has now been canceled, Applicant's attorney respectfully submits that this rejection is rendered moot and should be withdrawn.

Claim Rejection - 35 USC § 102

The Office Action contained a rejection of Claims 4, 5, 8, 9, 13-16, 22-24, 29, and 30 under 35 § U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,505,558 (the La Mura patent). Although all of these claims have been canceled, the La Mura patent will be discussed below with respect to new Claims 31-45 in order to expedite prosecution of the present application.

In accordance with new independent Claim 31, a pyrotechnic device adapted to fire blank ammunition rounds comprises a magazine having a top surface, a bottom surface and a plurality of receptacles extending through the magazine from the top surface thereof to the bottom surface thereof. Each of the receptacles includes three borings. The first boring, positioned adjacent the top surface, has a first diameter. The second boring, positioned adjacent the bottom surface, has a second diameter, which is greater than the first diameter. The third boring, positioned between the first and second borings, has a third diameter, which is greater than the first diameter but less than the second diameter. The first, second and third diameters are selected such that each of the receptacles can selectively and interchangeably receive at least two different types of blank ammunition rounds. (See as-filed specification, page 5, lines 13-23) (emphasis added).

The La Mura patent is understood to disclose pyrotechnic devices which can simulate a hit or firing of rounds from different kinds of weapons. La Mura's pyrotechnic devices include an array of pyrotechnic magazines having an array of receptacles, as disclosed:

In one embodiment, the magazines 16, 18 and 20 have pyrotechnic device receiving receptacles of the same diameter as shown in solid line in FIG. 1a. The different magazines may, in the alternative, have receptacles of different diameters for receiving different size pyrotechnic devices. For example, assume the eight gauge shot gun pyrotechnic devices 24 represent large caliber rounds, for example 105 millimeter, and it is desired that the apparatus also simulate smaller rounds. In this case, magazine 18 instead of having receptacles 26 of the same size receptacles as magazine 16, may have receptacles 30, shown in phantom in FIG. 1c, of smaller diameter than the receptacles 26 e.g., as small as about 3/8 inch diameter. A magazine may have receptacles of the same size or different sizes, and, in addition, different magazines may have the same or different size receptacles. (See La Mura, col. 5, lines 1-15) (emphasis added).

Based on the above-quoted passage, the devices disclosed in the La Mura patent are adapted to receive both large caliber rounds and small caliber rounds by either (1) using two

different magazines, one having receptacles with a diameter for accepting the larger caliber rounds and another having receptacles with a diameter for accepting the smaller caliber rounds; or (2) using a single magazine having an array of two-different sized receptacles, some of the receptacles in the array having a diameter for accepting the larger caliber rounds, and some of the receptacles in the array having a diameter for accepting the smaller caliber rounds. In either case, each individual receptacle has a single, constant diameter boring. There is absolutely no disclosure or suggestion in the La Mura patent that the receptacles described therein can be provided with three borings, each boring having a different diameter so that each receptacle is adapted to receive at least two different types of blank ammunition rounds, as called for in new independent Claim 31. Therefore, new independent Claim 31 recites a device that patentably distinguishes over the teachings of the La Mura patent.

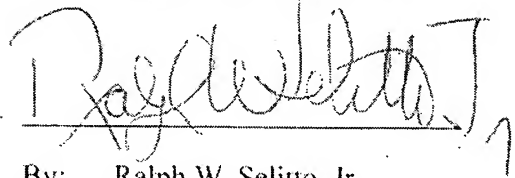
Applicant believes that new dependent Claims 32-45 distinguish over the La Mura patent for the same reasons that new independent Claim 31 does. At least some of the new dependent claims recite additional features which are not disclosed in the La Mura patent. For instance, Claims 34-38 and 41-44 are directed towards the transmission of current to the pyrotechnic ammunition using electrical contact assemblies that utilize contacts made from conductive rubber. Also, new Claims 39 and 40 are directed towards an afterburn circuit for transmitting an afterburn current across a bridgewire of the pyrotechnic ammunition for a sufficient amount of time such that the bridgewire is burnt out. As a result, Applicant respectfully submits that new dependent Claims 32-45 recite devices that patentably distinguish over the teachings of the La Mura patent.

In the view of the foregoing amendments and the accompanying remarks, Applicant's attorney respectfully requests consideration and allowance of new Claims 31-45. If such action cannot be taken, or if the Examiner believes that a telephone conversation would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney at the number indicated below.

Enclosed is a petition for a two (2) month extension of time to and including September 16, 2008, for which a \$230.00 fee (small entity fee) is due. The Petition authorizes the Examiner to charge this \$230.00 extension fee to Deposit Account No. 501561. No additional fees are believed to be due in connection with the filing of this Amendment. If there are any additional fees due as a result of this Amendment, including, without limitation, extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 501561.

Respectfully submitted,

GREENBERG TRAURIG, LLP

A handwritten signature in dark ink, appearing to read "Ralph W. Selitto, Jr.", is written over a horizontal line. The signature is stylized and cursive.

By: Ralph W. Selitto, Jr.
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